



ARIZONA HOUSE OF REPRESENTATIVES

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House: HHS DP 9-0-0-0 | 3rd Read 59-0-1-0
Senate: HHS DP 7-0-0-0 | 3rd Read 28-0-2-0

HB 2194: drug overdose fatality review teams

Sponsor: Representative Nguyen, LD 1

Transmitted to the Governor

Overview

An emergency measure that reinstates the Drug Overdose Fatality Review Team (Review Team) within the Arizona Department of Health Services (DHS) and its powers and duties.

History

[DHS](#) aims to promote, protect and improve the health and wellness of individuals and communities in Arizona. The agency strives to set the standard for personal and community health through direct care, science, public policy and leadership. DHS operates programs from the following areas: 1) disease prevention and control; 2) health promotion; 3) community public health; 4) environmental health; 5) maternal and child health; 6) emergency preparedness; 7) regulation of healthcare intuitions and facilities.

[Laws 2017, Chapter 234](#) established the Review Team, within DHS, to develop a drug overdose fatalities data collection system. The bill outlined membership specifications, duties and responsibilities and confidentiality requirements. The Review Team was terminated on January 1, 2023.

Provisions

1. Reinstates the Review Team within DHS to be composed of the following department heads:
 - a) DHS;
 - b) Attorney General;
 - c) Arizona Health Care Cost Containment System;
 - d) Department of Economic Security;
 - e) Governor's Office of Youth, Faith and Family;
 - f) Administrative Office of the Courts;
 - g) State Department of Corrections;
 - h) Arizona Council of Human Services Providers; and
 - i) Department of Public Safety. (Sec. 1)
2. Outlines the Review Teams powers and duties. (Sec. 1)
3. Authorizes DHS to appoint certain professionals to also serve on the Review Team. (Sec. 1)
4. Specifies that Review Team members are not eligible to receive compensation but are eligible for reimbursement of expenses. (Sec. 1)
5. Instructs DHS to provide administrative and professional support to the Review Team. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

6. Requires law enforcement agencies to provide unredacted department reports to the chairperson or team coordinator of a local Review Team on request. (Sec. 1)
7. Grants the Chairperson or team coordinator of the Review Team who is an employee of DHS or a local Review Team who is an employee of the local county health department or an organization that manages the local Review Team for the local health department, upon request, within five days excluding weekends and holidays, access to information and records regarding a drug overdose fatality that is being reviewed by the team or person who overdosed on drugs. (Sec. 1)
8. Allows the Review Team to review drug overdose fatalities from January 1, 2021 to the present day and can request information and records from specified entities. (Sec. 1)
9. Permits a law enforcement agency, with the approval of the prosecuting attorney, to withhold any investigative records from a Review Team or local Review Team that may interfere with a pending criminal investigation or prosecution. (Sec. 1)
10. Authorizes the DHS Director to petition the superior court for specified documentation related to the person who overdosed on drugs. (Sec. 1)
11. Requires subpoenas to be served and enforced in a manner provided by law. (Sec. 1)
12. States that a law enforcement agency is not required to produce the subpoenaed information if the evidence relates to a pending criminal investigation or prosecution. (Sec. 1)
13. Mandates all records be returned to the agency or organization on completion of the review. (Sec. 1)
14. Prohibits the Review Team or local Review Team from keeping written reports or records containing identifying information. (Sec. 1)
15. Mandates that all information and records acquired by the Review Team or any local Review Team are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding or disciplinary action, except for documents, information and records that are otherwise available from other resources because they were presented to or reviewed by a Review Team. (Sec. 1)
16. Exempts Review Team members, local Review Teams, persons attending a team meeting and presenting information to a Review Team from being questioned in a civil or criminal proceedings regarding information presented in or opinions formed because of a meeting. (Sec. 1)
17. Specifies that this does not prevent a person from testifying to information obtained independently of the Review Team or that is public information. (Sec.1)
18. Allows a Review Team member or a local Review Team member to contact, interview, obtain information by request or subpoena from family members of a deceased who overdosed on drugs. (Sec. 1)
19. Clarifies that all other Review Team meetings are open to the public, except for meetings where information about an individual who overdosed on drugs is being reviewed by the Review Team. (Sec. 1)
20. Classifies a violation of the prescribed confidentiality requirements as a class 2 misdemeanor. (Sec. 1)
21. Repeals the Review Team on January 1, 2029. (Sec. 2)
22. Contains an emergency clause. (Sec. 3)